

REMARKS

This amendment is responsive to the final Office Action dated June 8, 2010. After its entry, claims 1-9, 16-22, and 24-33 are pending in this application and subject to examination. Claim 1 is amended. Support for the amendment to claim 1 is found at page 4, lines 2-4, of the present specification. No new matter is added.

Reconsideration of the application as amended is respectfully requested in view of the following remarks.

Rejection Under 35 U.S.C. § 102

Claims 1-9, 16, 18-22, and 24-33 stand rejected as anticipated by U.S. Patent App. Pub. No. 2004/0054152 A1 to Meerholz et al. (Meerholz). Applicants respectfully traverse.

Applicants have amended claim 1 to explicitly recite that "...the irradiation is carried out at an irradiation wavelength where the absorbance of the onium compound is at most 5 % of the maximum absorbance of said onium compound." In view of the amendment to claim 1, Applicants maintain that claims 1-9, 16, 18-22, and 24-33 are novel and patentable over Meerholz for the reasons previously provided in the April 8, 2010 amendment, which are incorporated by reference herein in their entirety.

In the June 8, 2010 Office Action, the Examiner points out that the feature "... the irradiation is carried out at an irradiation wavelength where the absorbance of the onium compound is at most 5 % of the maximum absorbance of said onium compound..." is not explicitly recited in claim 1 and incorrectly refers to it as a "preferred embodiment." Applicants respectfully point out that this feature is not a preferred embodiment, but rather defines the previously recited feature "...wherein the irradiation is carried out outside the absorption band of the onium compound." See page 4, lines 2-4, of the present specification. It is preferred that the irradiation wavelength be at most 3 % of the maximum absorbance of the onium compound and particularly preferred that it be at most 1 % of the maximum absorbance. See page 4, lines 4-5,

of the present specification. Nonetheless, Applicants have now amended claim 1 to explicitly recite this feature.

Applicants respectfully submit that the burden has not shifted to Applicants to provide evidence rebutting Examiner's apparent finding that the feature "... the irradiation is carried out at an irradiation wavelength where the absorbance of the onium compound is at most 5 % of the maximum absorbance of said onium compound..." is inherently disclosed by Meerholz inasmuch as the Examiner has not provided any facts or reasoning to support a finding that this feature is *prima facie* inherently disclosed by Meerholz. As stated in the April 8, 2010 amendment, Applicants have informed the undersigned that 4-(thiophenoxyphenyl)diphenylsulfonium compounds, independent of their counterions, exhibit an absorption maximum at a wavelength of 300 nm, as evidenced by the previously submitted Crivello article. In Meerholz, the irradiation is carried out at 302 nm, which is just outside this absorption maximum wavelength for 4-(thiophenoxyphenyl)diphenylsulfonium compounds. Paragraph [0178] of Meerholz. Respectfully, other than merely stating that "the compounds and dose in the method of the reference appear to be the same as those in the instant invention," the Examiner has provided nothing in the way of facts or reasoning to support a conclusion that the absorbance of 4-(thiophenoxyphenyl)diphenylsulfonium at 302 nm is 5 % or less than its maximum absorbance at 300 nm, even though the wavelength used in Meerholz is only 2 nm longer than the wavelength at which an absorption maximum of 4-(thiophenoxyphenyl)diphenylsulfonium compounds is observed.

The Examiner asserts that Meerholz "contemplates" the use of a high pressure Hg lamp that exposes at a wavelength of between 310 and 350 nm. In view of paragraph [0178] of Meerholz, Applicants respectfully disagree. Meerholz provides no suggestion to the skilled artisan to use a high pressure Hg lamp that exposes at any particular wavelength other than one that exposes at a wavelength adjacent to the absorption maximum wavelength of 4-(thiophenoxyphenyl)diphenylsulfonium hexafluoro-antimonate. Furthermore, to the extent that Meerholz arguably could be read to suggest the use of a lamp that exposes at a wavelength of

between 310 and 350 nm, it can only be concluded that the Examiner's reliance on such an inference means that Meerholz fails to disclose the subject matter of the present claims with the requisite specificity to support an anticipation rejection.

For these reasons, Applicants respectfully submit that Meerholz fails to anticipate claims 1-9, 16, 18-22, and 24-33 and respectfully request withdrawal of this rejection.

In view of the foregoing amendment and remarks, Applicants submit that the pending application is in condition for allowance.

Applicants believe no fee is due with this amendment. However, if a fee is due, the Director is hereby authorized to charge our Deposit Account No. 03-2775, under Order No. 14113-00052-US, from which the undersigned is authorized to draw.

Dated: September 8, 2010

Respectfully submitted,

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